

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEEANN SPELL

Plaintiff,

v.

JAMES HATFIELD; DEBRICK
TRUCK LINE COMPANY; AND
BOWMAN SALES AND EQUIPMENT,
INC.

Defendants.

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CIVIL ACTION NO. 3:21-cv-00719

INDEX OF STATE COURT FILE

The following is an index identifying each state court documents and the date in which each document was filed in the 191ST Judicial District Court of Dallas County, Texas:

EXHIBIT	DATE	DOCUMENT
2		State Court File
2a	03/24/2021	Docket Sheet
2b	03/12/2021	Plaintiffs' Original Petition
2c	03/12/2021	Plaintiffs' Demand for Jury

EXHIBIT 2a

Case Information

DC-21-03279 | LEEANN SPELL vs. JAMES HATFIELD, et al

Case Number

DC-21-03279

File Date

03/12/2021

Court

191st District Court

Case Type

MOTOR VEHICLE ACCIDENT

Judicial Officer

SLAUGHTER, GENA

Case Status

OPEN

Party

PLAINTIFF

SPELL, LEEANN

Address

C/O WITHERITE LAW GROUP, PLLC

10440 N. CENTRAL EXPRESSWAY, SUITE 400

DALLAS TX 75231

Active Attorneys ▼

Lead Attorney

JOBIN, LAUREN V

Retained

DEFENDANT

HATFIELD, JAMES

Address

33680 WEST 82ND STREET

DE SOTO KS 66018

DEFENDANT

DEBRICK TRUCK LINE COMPANY

Address

REGISTERED AGENT, ARNOLD DEBRICK

15225 WEST 351ST STREET

PAOLA KS 66071

DEFENDANT

BOWMAN SALES AND EQUIPMENT, INC.

Address

Events and Hearings

03/12/2021 NEW CASE FILED (OCA) - CIVIL

03/12/2021 ORIGINAL PETITION ▼

ORIGINAL PETITION

03/12/2021 ISSUE CITATION ▼

Comment
ESERVE

03/12/2021 JURY DEMAND ▼

JURY DEMAND

Financial

SPELL, LEEANN

Total Financial Assessment	\$356.00
Total Payments and Credits	\$356.00

3/15/2021	Transaction Assessment	\$356.00
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3/15/2021	CREDIT CARD - TEXFILE (DC)	Receipt # 15473-2021-DCLK	SPELL, LEEANN	(\$356.00)
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Documents

ORIGINAL PETITION

JURY DEMAND

EXHIBIT 2b

JURY DEMAND

DC-21-03279

CAUSE NO. _____

LEEANN SPELL;

Plaintiff,

VS.

JAMES HATFIELD; DEBRICK TRUCK
LINE COMPANY; AND BOWMAN
SALES AND EQUIPMENT, INC.;

Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

J-191st JUDICIAL DISTRICT**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Leeann Spell files Plaintiff's Original Petition complaining of Defendants James Hatfield, Debrick Truck Line Company, and Bowman Sales And Equipment, Inc.

I. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 3 pursuant to Rule 190 of the TEXAS RULES OF CIVIL PROCEDURE.

II. RULE 47 PLEADING REQUIREMENTS

As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief of over \$250,000 but not more than \$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate.

III. PARTIES

Plaintiff Leeann Spell is an individual resident of Dallas, Dallas County, Texas. Her driver's license number is *****795 and her social security number is ***-**-305.

Defendant James Hatfield is an individual resident of De Soto, Johnson County, Kansas and may be served with process at 33680 West 82nd Street, De Soto, Kansas 66018.

Defendant Debrick Truck Line Company is a corporation doing business in Paola, Miami County, Kansas and may be served with process by serving its registered agent, Arnold Debrick, at 15225 West 351st Street, Paola, Kansas 66071.

Defendant Bowman Sales and Equipment, Inc. is a corporation doing business in Irving, Dallas County, Texas and may be served with process by serving its registered agent, Adam Deiseroth, at 1401 S Loop 12, Irving, Texas 75060

IV. JURISDICTION AND VENUE

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

This Court has venue over the parties to this action since the incident complained of herein occurred in Dallas County, Texas. Venue therefore is proper in Dallas County, Texas pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002.

V. FACTS

This lawsuit arises out of a motor vehicle collision that occurred on or about Monday, January 4, 2021 at or near the intersection of South Walton Walker Boulevard and Duncanville Road within the city limits of Dallas, Dallas County, Texas. Plaintiff Leeann Spell was operating her vehicle northbound on Duncanville Road turning left onto South Walton Walker Boulevard in the left turn lane. Defendant James Hatfield, while in the course and scope of his employment with, and operating under the Federal Motor Carrier authority of Defendant Debrick Truck Line Company, was operating his 18-wheeler northbound on Duncanville Road turning left onto South Walton Walker Boulevard in the right turn lane. Defendant James Hatfield failed to drive in a single lane while turning and collided hard with the passenger's side of Plaintiff's vehicle. As a result of the collision, Plaintiff was injured and continues to suffer injuries and damages from this incident.

VI. CAUSES OF ACTION

A. NEGLIGENCE – DEFENDANT JAMES HATFIELD

At the time of the motor vehicle collision, Defendant James Hatfield was operating 18-wheeler negligently. Specifically, Defendant had a duty to exercise ordinary care and operate 18-wheeler reasonably and prudently. Defendant breached that duty in one or more of the following respects:

1. Defendant did not keep such proper lookout and attention to the roadway as a person of ordinary prudence would have kept under the same or similar circumstances;

2. Defendant changed lanes when such movement could not be made safely in violation of TEX. TRANSP. CODE §545.060;
3. Defendant did not drive in a single lane;
4. Defendant did not keep an assured safe distance from Plaintiff's vehicle;
5. Defendant did not timely apply the brakes of 18-wheeler in order to avoid the collision in question; and
6. Defendant was operating said 18-wheeler at a greater rate of speed than a person of ordinary care and prudence would have done under the same or similar circumstances in violation of TEX. TRANSP. CODE §545.351.

B. NEGLIGENCE ENTRUSTMENT – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

As an additional cause of action, Plaintiff would show that at the time and on the occasion in question, Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. were the owners of the vehicle driven by Defendant James Hatfield. Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. entrusted the vehicle to Defendant James Hatfield. Defendant James Hatfield was unlicensed, incompetent, and/or reckless and Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. knew or should have known that Defendant James Hatfield was unlicensed, incompetent, and/or reckless. Defendant James Hatfield's negligence on the occasion in question proximately caused the collision.

C. RESPONDEAT SUPERIOR – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

Additionally, Plaintiff would show that at the time and on the occasion complained of, Defendant James Hatfield was in the course and scope of

employment with Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. thereby making Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. liable under the doctrine of *Respondeat Superior*.

D. NEGLIGENCE – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. negligently hired and retained Defendant James Hatfield. Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. failed to properly qualify, train, and/or supervise Defendant James Hatfield in order to prevent such collision.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff.

VII. DAMAGES

As a proximate result of Defendants' negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff suffered the following damages:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Property damage and loss of use of Plaintiff's vehicle;
- d. Physical pain and suffering in the past and future;
- e. Mental anguish in the past and future; and

- f. Physical impairment in the past and future.

VIII. INTENT TO USE DEFENDANTS' DOCUMENTS

Plaintiff hereby gives notice of intent to utilize items produced in discovery against the party producing same. The authenticity of such items is self-proven per TRCP 193.7.

IX. JURY TRIAL

Plaintiff demands a trial by jury and includes the appropriate jury fees.

X. U.S. LIFE TABLES

Notice is hereby given to the Defendants that Plaintiff intends to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

XI. RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff recover judgment against Defendants for:

1. Plaintiff's past medical expenses, which are reasonable and customary for the medical care received by Plaintiff;
2. Plaintiff's future medical expenses;
3. Plaintiff's lost wages in the past and loss of earning capacity in the future;
4. Plaintiff's property damage and loss of use of Plaintiff's vehicle;
5. Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;
6. Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;

7. Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;
8. Interest on the judgment at the legal rate from the date of judgment;
9. Pre-judgment interest on Plaintiff's damages as allowed by law;
10. All costs of court; and
11. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

WITHERITE LAW GROUP, PLLC

BY: /s/ Lauren Jobin

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ATTORNEYS FOR PLAINTIFF

EXHIBIT 2c



FELICIA PITRE
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE
CHIEF DEPUTY

CAUSE NO. DC-21-03279

LEEANN SPELL

VS.

JAMES HATFIELD, et al

191st District Court

ENTER DEMAND FOR JURY

JURY FEE PAID BY: LEEANN SPELL

FEE PAID: 40